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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,899	09/26/2003	Stefan Stocker	P03,0342	7989

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER

VARGAS, DIXOMARA

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,899

Applicant(s)

STOCKER, STEFAN

Examiner

Dixomara Vargas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. With respect to claims 1 and 18, the recitation “connected to means for adjusting the internal pressure” is indefinite since it is not clear what internal pressure is being adjusted. Is the internal pressure of the entire hollow being adjusted or portion of the hollow or the pressure in one of the boundary surfaces or the flexible hollow body? In addition, it is not clear what applicant means by the word hollow. Does applicant means the bore for introducing the subject to be examined, or a vacuum vessel containing some of the coil components of the MRI machine or a simple space between two components or an opening in a component? Clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pla et al. (US 5,793,210 A).

With respect to claims 1 and 18, Pla discloses a magnetic resonance device comprising a hollow having an inner boundary surface (Figure 1, #26), a gradient coil system (Figure 1, #14) having an outer boundary surface (Figure 1, #22), said gradient coil system being arranged in the hollow with an interval space between the inner boundary surface of the hollow and an outer boundary surface of the gradient coil system (Figure 1, #28); and at least one flexible hollow body being arranged between the inner boundary surface and the outer boundary surface (Figure 1, #28) and being connected to means for adjusting the internal pressure so that the interval space can be sealed (Column 4, lines 19-67, a pump could be connected to the system in order to adjust the pressure to the desired range).

5. With respect to claim 2, Pla discloses the hollow body constructed so that the interval space is sealed gas-tight (Column 4, lines 19-44, the hollow space is surrounded by air sealed at the desired pressure).

6. With respect to claim 3, Pla discloses the hollow body constructed to attach the gradient coil system in the hollow (Figure 1, #36 and #38 are means to attach the gradient coil system).

7. With respect to claim 4, Pla discloses a cavity of the hollow body is constructed with a pressure control unit to control the inner pressure of the hollow body (Column 4, lines 19-67, a pump could be connected to the system in order to adjust the pressure to the desired range in any of the two vacuums).

8. With respect to claims 5, 6, 16 and 17, Pla discloses the hollow body is constructed of an elastic material, for example, rubber (Column 4, lines 38-61).

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9. With respect to claim 7, Pla discloses the means for adjusting the internal pressure in the hollow body includes introducing a pressure medium into the hollow body (Column 4, lines 19-67, a pump could be connected to the system in order to adjust the pressure to the desired range in any of the two vacuums).

10. With respect to claim 8, Pla discloses the pressure medium is air (Column 4, lines 19-44, the hollow space is surrounded by air sealed at the desired pressure).

11. With respect to claim 9, Pla discloses the hollow body is constructed as an annular tube (Figure 2 shows all the components are tubular or cylindrical).

12. With respect to claims 10 and 19, Pla discloses an antenna system being arranged in an inner hollow surface of the gradient coil system with an outer surface of the antenna system being spaced from the inner surface of the gradient coil system (Column 4, lines 6-18) and at least one additional hollow body being arranged between the outer surface of the antenna system and the inner surface of the gradient coil system (Column 3, lines 50-67; wherein it is disclosed the possibility of having a second vacuum system).

13. With respect to claim 11, Pla discloses at least one of the hollows is constructed as a cylindrical hollow (Column 3, lines 23-67; Figure 2 shows all the components are tubular or cylindrical).

14. With respect to claim 12, Pla discloses at least one of the hollows has two opposite openings (Column 4, lines 19-67, a pump could be connected to the system and therefore, having two opposite openings to adapt the pump to the system in order to adjust the pressure to the desired range in any of the two vacuums).

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15. With respect to claim 13, Pla discloses one of the gradient coil system and the antenna system is constructed as a hollow cylindrical body member (Column 3, lines 23-67; Figure 2 shows all the components are tubular or cylindrical).

16. With respect to claim 14, Pla discloses the hollow body attaches the gradient coil system in the inner surface of the hollow (Figure 1, #36 and #38 are means to attach the gradient coil system).

17. With respect to claim 15, Pla discloses the cavity of the hollow body is connected with a pressure control unit to control the internal pressure (Column 4, lines 19-67, a pump could be connected to the system to adjust the pressure to the desired range in any of the two vacuums).

Response to Arguments

18. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

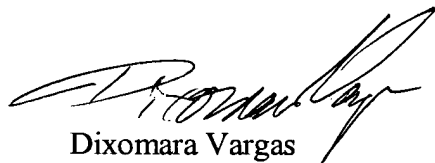
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dixomara Vargas whose telephone number is (571) 272-2252. The examiner can normally be reached on Monday to Thursday from 8:00 am. to 4:30 pm..

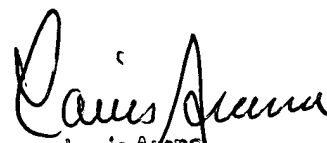
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dixomara Vargas
Art Unit 2859
March 15, 2005


Louis Ayana
Primary Examiner